



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: James Dillion Docket No.: 5199-5  
Serial No.: 10/650,357 Examiner: To Be Assigned  
Filed: August 27, 2003 Group Art Unit: 3738  
Title: **METHODS AND COMPOSITIONS FOR PROTECTING AGAINST  
CATARACT DEVELOPMENT ASSOCIATED WITH VITRECTOMIES**

July 7, 2004

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED  
UTITLY APPLICATION UNDER 37 C.F.R. §§ 1.137(b) and 1.137(g)**

Dear Sir/Madam:

Applicant hereby petitions the Commissioner to revive the above-identified provisional application under 37 C.F.R. §§ 1.137(b) and 1.137(g). The Commissioner is hereby authorized to charge Deposit Account No. 02-4270 for the Petition Fee of \$665.00, as set forth in 37 C.F.R. § 1.17(m).

The above application has gone abandoned due to the Applicant's unintentional failure to file a Response to the Notice to File Missing Parts of Nonprovisional Application mailed November 19, 2003. Enclosed herewith is a Response to the Notice of Missing Parts.

The entire delay in filing the required reply before the due date for the reply until the filing of this petition was unintentional.

The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to our Deposit Account No. 02-4270.

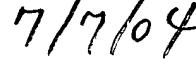
Respectfully submitted,

  
Leslie Gladstone Restaino  
Reg. No. 38,893  
BROWN RAYSMAN MILLSTEIN FELDER  
& STEINER LLP  
163 Madison Avenue  
P.O. Box 1989  
Morristown, New Jersey 07962-1989  
(973) 775-8930

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I hereby certify that this correspondence, and the documents indicated as being attached hereto, are being deposited this date with the U.S. Postal Service as First Class Mail addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Ping Xiao

  
Date



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: James Dillon, et al. Group Art Unit: 3738  
Serial No.: 10/650,357 Examiner: To be assigned  
Filed: August 27, 2003 Docket No. 5199-5  
For: METHODS AND COMPOSITIONS FOR PROTECTING AGAINST  
CATARACT DEVELOPMENT ASSOCIATED WITH  
VITRECTOMIES

July 7, 2004

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
AND REQUEST FOR FIVE (5) MONTH EXTENSION OF TIME**

Applicants are in receipt of the Notice to File Missing Parts of Nonprovisional Application (the "Notice"), mailed November 19, 2003, and hereby request a five (5) month extension of time for response. A copy of the Notice is enclosed.

In response to the notification that the oath or declaration is unsigned, applicants enclose declaration and power of attorney forms, which identify the application by application number and filing date, and have been executed by inventor James Dillon.

Authorization is hereby provided to charge \$1,070.00 (including \$65.00 for the late declaration surcharge and \$1,005.00 for the 5 month extension of time) to applicant's Deposit Account No. 02-4270. Authorization is hereby given to charge any additional fees that may be required to Deposit Account 02-4270.

In view of the foregoing, it is submitted that the application is complete.

Respectfully submitted,

By: Leslie S. Restaino

Leslie Gladstone Restaino

Reg. No. 38,893

Attorney for Applicants

BROWN RAYSMAN MILLSTEIN

FELDER & STEINER LLP

163 Madison Avenue

P.O. Box 1989

Morristown, New Jersey 07962-1989

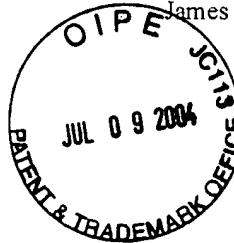
973.775-8919



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/650,357	08/27/2003	James Dillon	5199-5



30551  
 LESLIE GLADSTONE RESTAINO  
 BROWN RAYSMAN MILLSTEIN & STEINER LLP  
 55 MADISON AVENUE, 4TH FLOOR  
 MORRISTOWN, NJ 07960

CONFIRMATION NO. 6693  
 FORMALITIES LETTER  
  
 \*OC000000011306509\*

Date Mailed: 11/19/2003

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

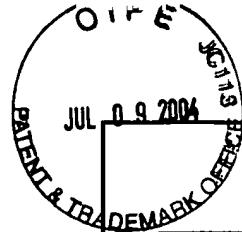
Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

T. TU  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Attorney's Docket No.: 5199-5

## DECLARATION FOR PATENT APPLICATION SOLE OR JOINT

I, James Dillon, hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention titled:

### METHODS AND COMPOSITIONS FOR PROTECTING AGAINST CATARACT DEVELOPMENT ASSOCIATED WITH VITRECTOMIES

the specification of which is attached hereto.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS.

I ACKNOWLEDGE THE DUTY TO DISCLOSE INFORMATION WHICH IS MATERIAL TO THE EXAMINATION OF THIS APPLICATION IN ACCORDANCE WITH TITLE 37, CODE OF FEDERAL REGULATIONS, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

#### Prior Foreign Application(s)

(Number)	(Country)	(Day/Month/Year Filed)	Priority Claimed	
			<input type="checkbox"/>	Yes
			<input type="checkbox"/>	No
			<input type="checkbox"/>	Yes
			<input type="checkbox"/>	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications listed below and, INSOFAR AS THE SUBJECT MATTER OF EACH OF THE CLAIMS OF THIS APPLICATION IS NOT DISCLOSED IN THE PRIOR UNITED STATES APPLICATION IN THE MANNER PROVIDED BY THE FIRST PARAGRAPH OF TITLE 35, UNITED STATES CODE, §112, I ACKNOWLEDGE THE DUTY TO DISCLOSE MATERIAL INFORMATION AS DEFINED IN TITLE 37, CODE OF FEDERAL REGULATIONS, §1.56(a) WHICH OCCURRED BETWEEN THE FILING DATE OF THE PRIOR APPLICATION AND THE NATIONAL OR PCT INTERNATIONAL FILING DATE OF THIS APPLICATION:

(Application Serial Number)	(Filing Date)	(STATUS: Patented, Pending, Abandoned)

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected herewith (List name and registration number).

#### (LIST SENIOR PATENT COUNSEL AND ATTORNEY HANDLING CASE WITH PATENT OFFICE REGISTRATION NUMBERS.)

Leslie Gladstone Restaino, Reg. No. 38,893  
Seth H. Ostrow, Reg. No. 37,410  
Matthew J. Marquardt, Reg. No. 40,997  
Frederick Yu, Reg. No. 45,251  
James W. Woods, Reg. No. 47,184  
Robert L. Kovelman, Reg. No. 51,897

Frank J. DeRosa, Reg. No. 26,543  
Pamela G. Maher, Reg. No. 40,712  
Ivan Posey, Reg. No. 43,865  
Monica Winghart, Reg. No. 46,790  
Brooke W. Quist, Reg. No. 45,030

SEND CORRESPONDENCE TO: Brown Raysman Millstein Felder & Steiner LLP

163 Madison Avenue, P.O. Box 1989  
Morristown, New Jersey 07962-1989

DIRECT TELEPHONE CALLS TO: Leslie Gladstone Restaino, Esq.  
(973) 775-8930



Attorney Docket No. 5199-S

**DECLARATION FOR PATENT APPLICATION  
SOLE OR JOINT**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

NAME OF SOLE OR FIRST INVENTOR:	DILLON, James <i>James Dillon</i>
INVENTOR'S SIGNATURE	
RESIDENCE	New York, New York (County of New York)
CITIZENSHIP	United States of America
POST OFFICE ADDRESS	287 Bleecker Street New York, New York <del>10039</del> 10014 United States of America
NAME OF ADDITIONAL JOINT INVENTOR, IF ANY:	
INVENTOR'S SIGNATURE	
RESIDENCE	
CITIZENSHIP	
POST OFFICE ADDRESS	
NAME OF ADDITIONAL JOINT INVENTOR, IF ANY:	
INVENTOR'S SIGNATURE	
RESIDENCE	
CITIZENSHIP	
POST OFFICE ADDRESS	
NAME OF ADDITIONAL JOINT INVENTOR, IF ANY:	
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